G. R. S. 58]

Previous references.
CS 92-10-7.
-246-10-2.
-122-13-7.

1914. 14
(Court)

File No. 201-13

Serial Nos. 1—11

Later references.
ch 98-13(1)
— 265-15(1)
1161-17,3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—11

Part B for July 15.

SUBJECT.

Remissness in the discharge of inspection work by the Sessions Judges of Bangalore & Mysore.

11) To The Regr. Chief Cs of J 2160 of 20.7.15.
Observe that the explanation of the Sessions Judges, Bg. Dn for not carrying out the express orders of Govt in the matter is unsatisfactory.

GPB—10,000—23-3-15

K. Ghouse
31.7.15

G.R.S. 11 | 1913-14 | Jans 266-13

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES

File No. 201-13

FILE HEADING.

Remissness in the discharge of inspection work by the Sessions Judges of Bangalore and Mysore

From

No	Dated	Received

Diary No.	Enclos:	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS

Submitted for approval and issue.

Detached portion with report for 1913-14.

3/11/14.

Extract from G.O. No. 122-13-5 January 1914 regarding the report on the administration of criminal justice for the year 1912-13

Papers Inspections

Govt. notice with regret that the Sessions Judges of Mysore and Bangalore did no inspection work during the last two years

NOTES - First Sheet

P.T.O.

GPB—30,000—12-8-11.

G. R. S. 12]

From 2667] 3461 (2

General and Revenue Secretariat. | Cs File No 207 of 1913-14

Serial No.

Vide page 6 of the note in the linked file Cs-122-13-7

2) As per para 2 of Submission note in the same file, a draft to the Registrar, Chief Court, calling for the explanations of the Sessions Judge concerned is submitted for orders. Cs-116 6/2/1914 Dft

Dft Ltr) Sd 7/2

3) Approved Sd 7/2

Issue

To The Registrar, Chief Court

No J2361 Dy 17-2-1914

Calls for the explanations of the Sessions Judge concerned for not having done any inspection work during the last two years along with the remarks of the Chief Court in the matter.

From the same Office -

No 4153/324 Dy 21-4-1914

Forwards the explanations called for and states that in the opinion of the Chief Court the ordinary inspection of Courts may be left to the Dist. Mgts but that the explanations offered do not sufficiently account for the disregard of Special orders of Govt on the point.

4) The explanations are submitted.

5) With regard to the General

P.T.O.

NOTE—Contn. sheet.

G.P.B—60,000—7-11-13

2486)

(3) 3

General and Revenue Secretariat. | C. File No. 207 of 1913-14

Serial No.

the expediency & otherwise of
question of having Magistrate subjected to the
inspecting authority of two officers of equal
status, Govt accepted the opinion then
given by the Chief Court that there was no
objection to such a course when Mr Chandy,
the then Dist. Supt of Chittaloorg, raised
the question. Mr Paramasiva Iyer however,
who was then one of the puisne Judges of
the Chief Court was of the same opinion
as he now gives expression to in his explanation
that Sessions Judge may not inspect all
the Magisterial courts.

Vide collee" flag W
Page No. 5 of office Note
in Cs-246-10-2.

3 Encls & Slr

W

6) The system of dual inspection was
stated to be in vogue in Bengal and Central
Provinces and the system now recommended
to be adopted, viz, of confining the inspection
work of subordinate criminal courts to the
Dist. Magistrate is said to be in practice in
Madras. If the present recommendation of
the Chief Court is accepted, the direction
given to the Sessions Judges in G.O. dated
15-2-1911 may have to be withdrawn.

Papers under disposal

§ Cs-92-10-3.

Subd for orders.

A copy of the Chief Court-
Reg. 5 above up.

Reg. 116
11/5/1914. JM

7) Under the provisions of the
Code of Cr. Procedure all appeals from
decisions of 2nd & 3rd class Magistrates

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

2461 (4

General and Revenue Secretariat. | Cls File No. 201 of 1913-14

Serial No.

Re to the D.T. Regn and appeals from decisions of 1st Class Magts under D.T. Regn lie to the Court of Session. In actual practice the Calendars of the Subordinate Magts are reviewed, proceedings passed & the Sessions Judge wherever necessary. Returns of statistics from Cal Cts are sent to the Hy Session. There Criminal Acct is sent to the Govt. In these circumstances it is necessary & advisable to make the Sessions Judge to inspect the Cts of the D.T. Regn & 1st Class Magts within his Dn. The Cts of the 2nd & 3rd Class Magts will be inspected by the D.T. Regn. The D.T. Regn inspecting 1st Class Magts & will be the accounting audit officer while the inspection of the Sessions Judge will correspond with the technical audit. The existing orders therefore require no change nor are they inconsistent with S 17(5) Cr. P.C.

12.5.14

Secy

8) The rules govern the subject in British India may be traced & put up for reference

Draft 13/5

13/5.14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

File No. 201 of 1913-14

Serial No.

9) Please put up the Bengal circular referred to in the Chief Judge's note, and a draft to the Residency for the information as to the practice prevailing in the various Courts, like, Bengal, Bombay, United Provinces, Central Provinces, Punjab.

Es 28/14

10) The Bengal circular referred to is found on page 237 of the Book of Circular Orders put up.

The practice in Bengal, Central Provinces & Madras has been referred by the Chief Court. Please see para 6 of the note & steps made therein.

11) A draft to the Residency is also put up.

Reg. 116

12/12/1914

12) Please put up a fair draft.

Es 14/12/14

13) Fair draft submitted.

Reg. 116

15/12/14

Es 17.12.14

See 7)

14) A fair draft as revised may be put up.

Draft 18/12

18/12/14

Es 18/12/14

15) Fair draft submitted.

Reg. 116

18/12/1914

Es 18/12/14

See 7) 16) Approved

Draft 23/12

17) Issue today

Es 28/12/14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

3461

G. R. S. 12]

General and Revenue Secretariat. | Cls File No. 201 of 1913-14

Serial No.	
3	To The F. A. Resident No 604 dy 26-12-1914 State that it is not readily ascertainable on what principle the work of inspection is assigned to and distributed between, the Sessions Judges and the District Magistrates, that it cannot also be gathered from published reports whether the inspection reports of the Judges of the High Courts are submitted and reviewed by Govt and requests information on the above points
4	From the Same Officer No 515 dy 21-1-1915 Forwards copy of a letter from the Secy, Govt of Madras, stating that inspection reports of High Court Judges are not reviewed by the Govt and that the report forwarded by Govt by Sir Leslie C Miller was transferred without scrutiny to the High Court. (18) Submits for information (19) Information regd in para 1 of S/3 and that regd in para 2 about the other High Courts may perhaps be received later on. May the receipt of the same be awaited? Rs. 116 22/1/15 (20)

NOTE—Contn. sheet.

GPB—25,000—2-11-14

25 & 21
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G. R. S. 12]

General and Revenue Secretariat.	Cl. File No. 201 of 1913-14

Serial No. 5

From the F. A. Resident
No 763 Dy 29-1-1915

Forwards a copy of letter from the Offrg on Spl Duty, Civil Secrt., N. Provinces, stating that in that province Sessions Judges and Dist. Magistrate are not req^d to inspect the Courts of magistrate subordinate to them and add^s that inspection notes reports of the Judges of the High Court of Allahabad are not sub^d to or reviewed by Govt.

21) Sub^s for information.

22) Further information may be awaited.

Yrs.

Cl. 5/2

Reg. 116
4/2/15 WK.

Eg 4/2/15

6 From the F. A. Resident
No 892 Dy 5-2-1915

Forwards a copy of letter from the Govt of Bengal intimating that copies & notes of inspection made by the Judges of the High Court are forwarded to Govt who do not, however, review them and adding that there have been no inspections since 1911.

23) Sub^s for information.

24) Further communication to be awaited.

Dy 8/2

Reg. 116
8/2/15 WK.

Eg 8/2/15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

2615
2579

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G. R. S. 12]

General and Revenue Secretariat. | C/- File No. 201 of 1913-14

Serial No.	
7	From the F. A. Resident No 1034 Dy 10.2.1915 Forwards a copy of letter received from the Chief Sec^y to the Chief Com^r, Central Provinces, stating that in those Provinces Sessions Judges are not req^d to inspect Subordinate Magisterial Courts and that inspection notes of the Judges of the Court of the Judl Com^r are not sub^t to the Administration. 25) Sub^t for information. Reg. 116 11/2/15 13/2/15
8	From the Same Officer No 1102 Dy 13.2.1915 Forwards copy of a letter from the Chief Com^r, N.W. Frontier Provinces, stating that inspection reports of the Judl Com^r are neither sub^t to the Chief Com^r nor reviewed by him. 26) Sub^t for information. Reg. 116 15/2/15 16/2/15
9	From the Same Officer No 1438 Dy 26.2.1915 Forwards copy of a letter from the Sec^y to the Govt of the Punjab stating that most of the inspection is done by the D.M.S and that inspection reports by the Judges of the

NOTE—Contn. sheet.

GPB—25,000—2-11-14

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G. R. S. 12]

General and Revenue Secretariat. | Cf File No. 207 of 1913-14

Serial No.	
	Chief Court are not a yet sub° to Govt.
27	Sub° Instr matter regarding the practice prevalent in Bombay may be awaited.
	Gs 5/3
	Gen 5/3/15 Vll
10	From the Secy Mercr
	No 1550 Dy 4.3.1915
	Forwards copy of a letter from the Govt of Bombay stating that Sessions Judges never inspect Magisterial Courts and that the inspection reports of the Judges of the High Court are not regularly sub° to Govt and that such reports are never sub° by the Subdl Courts.
28	Sub° in continuation. The req° information has all been rec°.
	Gs 5/3/15 Vll
29	From the replies received with regard to the practice prevailing in Bombay Presidency & India it appears that in no Province a Sessions Judge inspects the Magistrates Courts in his Division. Even in Central Provinces, to which reference has been made in the letter of the Chief Court, according to the Chief Secretary's letter, Sessions Judges are not required to inspect any Criminal Courts.
30	The Chief Secretary to the Bengal Govt

NOTE—Contn. sheet.

GPB—25,000—2-11-14

General and Revenue Secretariat. | Cl 5 File No. 201 of 1913-14

Serial No.

has not stated on what principle the inspection work is arranged between the Sessions Judge and the District Magistrate in Madras.

31) Though the practice in British India does not seem to favour inspecting the subordinate criminal courts by Sessions Judges, it appears to me that the order of Court in asking them to inspect can not be held illegal. The chief court has control over all the subordinate criminal courts in the Province, and the chief court may ask the Sessions Judge to inspect the criminal courts. The Sessions Judge may submit his report to the chief court, and the latter may issue the necessary instructions or proceedings on the basis of the chief court. The inspection work is purely administrative in character, and the chief court may delegate it to the Sessions Judge. But the Sessions Judge can not merely exercise any independent power of criticism over the actions of the Subordinate Courts. But there is nothing objectionable in the chief court exercising these latter powers on the basis of the report.

But if ~~the Ct~~ Govt wish to adopt the British Indian practice the order directing the Sessions Judge

NOTE—Contn. sheet.

GPB—25,000—2-11-14

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(11

G. R. S. 12]

General and Revenue Secretariat. | CS File No. 201 of 1913-14.

Serial No.

to inspect the courts of District Magistrates and also Subordinate Magistrates should be withdrawn.

Sg
29.3.

Secy

33) The views of the Chief Court express contained in the paper under disposal may be accepted. There is no need to modify the orders of Govt as Sessions Judges can legally inspect courts of magistrates in virtue of the judicial control they legally possess over them. The very point raised by the Sessions Judges in their Explanations was considered & decided in the negative by the Govt in consultation with the Chief Court: (vide Notes in File No 246-10, Serials 1 & 2 - July 14). A draft order will be prepared if approved.

Draft of Govt
8/5

First member
34) I think that we may lay down that the Sess. Judges need not concern themselves with inspection of Magistrates' Courts hereafter unless specially asked to do so in any case by the Chief Court.

35) The explanation of the

2851

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-J. R. S. 12]

General and Revenue Secretariat. | C/o File No. 201 of 1913-14

Serial No.

Bangalore Sess-Judge (Mr. Paramasivayyar) for not carrying out the express orders of Govt in the matter is unsatisfactory; and Govt cannot ~~see~~ appreciate the propriety of his entering into a discussion of the grounds of the order when he was called upon to submit an explⁿ for his omission.

36) Please draft an order to this effect. The Fⁿ question may be considered at the next meeting.

Urgent

6/5/15

Draft submitted

7/5

Dist-Member

7/5

NOTE—Contn. sheet.

GPB—25,000—2-11-14

2851

(13

C. R. S.-12]

General and Revenue Secretariat

C5 File No. 201 of 1913-14

Serial No.

38) Make a fair Copy of the draft as amended by me & circulate.

9/5/15

10/5

Dewan (C)

Es. 10/5

39) Tidy draft & sub.

Ks. 11/5/15

40) With reference to p. 38

Es. 11/5

Secy

C.S

11/5/15

41) Re draft is approved

16/5

42) The draft is approved.

21.5.15.

Dewan

NOTE—Contn. sheet.

GPB—65,000—17-6

GPB—1,000—19-7-13

(14)

Extract from the Proceedings of the 353rd Meeting of the Council of His Highness the Maharaja, held at Mysore on the 2nd July 19[illegible] .

16. SUBJECT. - (Clause v of the Schedule).

Explanation of the District Judge of Bangalore for not inspecting any Criminal Courts in his Division for two years.

OPINION OF THE COUNCIL.

The draft order may be approved.

Sd/- M. Visvesvaraya.
Dewan of Mysore.

"E x t r a c t"

Deputy Secretary to Government.

(15)

Submitted to His Highness.

43) In reviewing the report on the administration of Criminal Justice for the year 1912-1913, Government noticed that the Sessions Judges of Bangalore and Mysore had done no inspection work during the two preceding years. The explanations of the Sessions Judges concerned were therefore called for and in transmitting them, the Chief Court observe that they do not sufficiently account for the disregard of specific orders of Government passed in February 1911 that all the Courts of Subordinate Magistrates should be inspected by the District Magistrates or the Sessions Judges at least once a year.

44) 2. Mr. Paramasiva Iyer, who was then the Sessions Judge of Bangalore, having in his explanation entered into a discussion of the grounds of the order of 1911, the same was considered in Council.

45) 3. The Council is of opinion that his conduct in this respect is objectionable and that the draft order in the file may be approved.

11/7/15 H. Manjunadayya

(16

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Explanation of Mr. T. Paramasiva Iyer (then District Judge of Bangalore) for not doing any inspection work in his Division for two years, with the draft of an order proposed to be issued with reference thereto.

48

Order.

46) ~~KRAW~~
15/7/15

Seen
16/7/15

47 Issue
17.7.

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R. S. 12]

General and Revenue Secretariat.

File No. 201 of 1913-14.

Serial No.	
11	To The Registrar, Chief Court.
	No. g. 216 dt. 20-7-15.
	Observes that the explanation of the Sessions Judge, Bangalore Division, for not carrying out the express orders of Govt. in the matter is unsatisfactory. etc.

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~. R. S. 26]

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05 File No. 201-13

Serial No. 1

Diary No. of letter replied to

No. J 2361

General and Revenue Secretariat

( )

, the *191* .

To

The Registrar,

Chief Court

Date of issue 17/2/14

Signed by S P Rajagopalachari Sd/

Sir,

I am directed to invite your attention to para 5 of the Govt review on the Report on the Administration of Criminal Justice in Mysore for the year 1912-13 and to request that the explanation of the Sessions Judge concerned for not having done any inspection work during the last two years may be obtained

P.T. over.

SUBJECT.

and forwarded to Govt along with
the ~~opinion~~ remarks of the Chief Court } Enquiries to
~~regarding~~ in the matter.

I have te

for Secy to Govt Dewn 1912

No. -116
6/2/1914

List of enclosures.

Copied by

Examined by

GPB—25,000—8-8-11.

No. 4153 / 324 Enclos: 3

(320)

Chief Court of Mysore,

Bangalore, dated the 21st April 1914.

23

DIARY No. J 3461.

From

V. A. Rajaratna Mudaliar, Esq.,
Registrar of the Chief Court of Mysore.

1913-1914
Courts
SECTION
FILE No. 20/9/913
SERIAL No. 2

To

K. R. Srinivasiengar, Esq., M. A.,
Secretary to the Government of Mysore,
General and Revenue Departments.

S i r ,

Adverting to your letter No: J 2361/Cts 201-13-1 dated 17th February 1914, I am directed to forward herewith copies of explanations offered by Messrs T. Parama-Siva Iyer and R. B. Plumer for not having inspected any criminal court in their respective divisions and to state that the Judges of this Court do not think that the orders of Government regarding inspection of Magistrates' courts by Sessions Judges conflict with Section 17(5) of the Criminal Procedure Code, which relates to judicial subordination and arrangements for the trial of cases. But it is, in the opinion of the Judges undesirable to have Magistrates controlled and inspected by two officers of equal status and so the ordinary inspection of courts may be left to the District Magistrates. This is the practice in Madras and of course no District Magistrate's court is ever inspected by a Sessions Judge. The explanations of-

fered

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offered by the Sessions Judges do not however sufficiently account for the disregard of specific Government orders on the point and do not touch the matter of non-inspection of Assistant Sessions Judges' courts by them.

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I have the honor to be,

S i r ,

Your most obedient servant,

REGISTRAR.

H.C.C.

NB)

Letter dated the 23rd March 1914 from Mr. T. Paramasiva Iyer, District and Sessions Judge, Shimoga Division (on leave) to Mr. V. A. Rajaratna Mudaliar, Registrar of the Chief Court of Mysore.

E 22

Encls to CS
201-13-2

With reference to your No: 3446-7/239 dated 28th February 1914 and in continuation of my D.O. of the 2nd idem I have the honor to explain as follows:-

1. There was no District and Sessions Court during a part of the period in respect of which an explanation is required. The existing District and Sessions Court Bangalore was established on 21st August 1911 and from 16-6-1913 to the end of the official year, Mr. V. A. Rajaratna Mudaliar, the learned Registrar of the Chief Court was the Sessions Judge, and I had taken charge of an acting Judge-ship of the Chief Court in Mysore during the birth day celebration of that year.

2. When my explanation was called for, I was not aware of the authority empowering a Sessions Judge to inspect Magisterial courts, not having seen the marginally noted order and Proceedings which you were so good as to send me in response to my D.O. enquiry.

(1) G.O No. J.232-1-9/Ct 92-10-3 dt 15-2-1911
(2) Prop: of the Chief Court No: 4154/141 dt 13/16 March 1914 (copy sent)

3. The order of Government is dated 15-2-1911 and the Proceedings

(83

Proceedings of the Chief Court on a reference by the Sessions Judge of Shimoga as to how he should give effect to the Government order is dated 13/16th March 1911. On these dates there was no District and Sessions Court in Bangalore and I was then on combined furlough.

4. I was notified as the District and Sessions Judge of the newly established District Court of Bangalore on 17th August 1911, was relieved in the Chief Court on 19-8-1911 with special instructions to hear appeals on the very day of the opening of the new court, and had thus to commence regular work on 21-8-1911 with the help of an establishment consisting mainly of raw or useless Revenue officials brought under reduction. Practically everything had to be found and organised, the establishment had to be trained and the Bangalore District Judge has the heaviest administrative work of any District Judge in the Province with 8 Munsiffs under him as against 10 Munsiffs in both the other Divisions put together.

5. The file of standing orders and rules kindly furnished by the Registrar to the new District Court did not include the order and Proceedings under reference, and I understand by kind © favour of the present District Judge, does not contain them even now. I had thus no reason to suppose that any such order existed and I had always been under the impression having regard to Section

(24

Section 17 Clause 5 of the Criminal Procedure Code, that a Sessions Judge was disqualified from calling upon a Magistrate to submit his Judicial records for a general examination.

6. Now that I have had the advantage, by favour of the Registrar, of perusing the Government order of 15-2-1911 and the Chief Court Proceedings of 13/16th March 1911, I beg with the highest deference to submit the following observations for such consideration as they deserve.

7. Inspection of the Judicial records of one court by another necessarily involves scrutiny of the records accompanied by criticism, admonitions and instructions for future guidance. A general right to inspect necessarily involves subordination to the inspecting court of the court liable to be inspected and there is nothing in the Government order of 15-2-1911 to suggest that the inspection by the Sessions Judge to whom the law declares a Magistrate shall not be subordinate, is to be of a different character from the inspection by the District Magistrate to whom he is expressly subordinated by Section 17 Clause 1 of Criminal Procedure Code.

8. A mere expression of opinion in a Government order reviewing an administration report is no legal authority either for a Sessions Judge to enter on a general scrutiny of the Judicial

work

work of a Magistrate or for a Magistrate to submit his judicial records for examination and criticism by an authority to whom he is not subordinate. Under Section 10 of the Chief Court Regulation all Criminal Courts are subject to the Superintendence and control of that Hon'ble Court, and I am not aware of any provision of the Law authorising even the Government, on its own initiative, to assume the functions vested by Law in the Maharaja's Judges.

9. If however both the Chief Court and the Government are satisfied that Sessions Judges may inspect the Courts of Magistrates without violating the provisions of Section 17(5) of the Criminal Procedure Code, such an opinion may be legally given effect to by rules framed by the Chief Court and approved by Government and such rules when published in the official Gazette will of course be legally binding on Sessions Judges and Magistrates (Vide Section 554 of Cr.P.C.). In this view of the law as laid down by Section 17(5) there is nothing to prevent a Sessions Judge being empowered to inspect the court of a District Magistrate who is frequently the senior in official rank of a Sessions Judge.

10. The bulk of our Magistrates are Revenue Officers as well, with multifarious and expanding functions in these days when the thirst for betterment of all kinds is simply "insatiable" as

recently

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recently remarked by the learned senior Councillor and Chief Judge in a public speech. The functions of a District Magistrate are co-extensive with those of the Magistrates subordinate to him. The District Magistrate knows in detail the relative urgency of the various duties including attendance on high personages, officers and specialists of all kinds, which his subordinates are called upon to perform, sometimes unexpectedly, and adjournments, laches, delays and errors which the Deputy Commissioner knows by previous personal knowledge to be justifiable or excusable will not be so to the Sessions Judge in the absence of long and detailed written explanations which will add to the worry and work of the Magistrate and his establishment. Personally therefore I am of opinion that the Legislature having regard to the combination of Judicial and Executive functions in Indian administration, and in view to the importance of maintaining the prestige of the heads of Districts, included Clauses 1 and 5 in Section 17 of Criminal Procedure Code with the deliberate intention of minimising the one-sided interference of Sessions Judges in the work of District Administrations as the District Magistrate alone possesses practical knowledge of all the official work performed by his subordinate Magistrates during the period covered by an inspection and is thus in a position to make a fair, prompt and correct pronouncement on their Judi-

cial

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Judicial work.

11. Even if the Chief Court are of opinion that the proviso to Section 554 (1) taken with Section 17(5) does not stand in the way of framing Rules authorising a Sessions Judge to inspect Magisterial Courts, I would respectfully submit it is not good policy to subject Magistrates to the attentions of two inspecting authorities of co-ordinate Jurisdiction, and in any case inspection by Sessions Judges may be confined to the Courts of (1) City Magistrates, (2) Munsiff-Magistrates, (3) Bench Magistrates, and perhaps also of (4) Magistrates who are Treasury Assistant Commissioners.

12. The enclosures to your D.O. dated 14th March 1914 are herewith returned.

Sd/- T. Paramasiva Iyer,
District and Sessions Judge,
Shimoga Division. (On leave).

'Copy'

REGISTRAR.

H.C.C.

28

Letter No: 2901/398 dated.....March 1914 from Mr. R.B. Plumer, Sessions Judge, Bangalore Division, to Mr. V. A. Rajaratna Mudaliar, Registrar of the Chief Court of Mysore.

With reference to your Circular No: 3446-47/239 dated 28th February 1914 calling for my explanation for not having inspected any of the Magistrates' courts during the year under review and the year preceding, I have the honor to explain that except for the inspection of the Munsiff Magistrate's courts I had no time to inspect other purely magisterial courts without neglecting other more important duties more primarily pertaining to the work of a District and Sessions Judge.

2. I would however beg to add that the work of the magistracy was nevertheless kept very closely under my personal inspection by the regular personal checking of their criminal calendars - a more effective and constant check than any mere annual inspection of their courts. This duty I have usually found relegated to the Sheristedar or Sessions Clerk yet it is a work in my opinion of the utmost importance and one which if exercised personally and thoroughly and regularly by the Sessions Judge enables him to very closely check the work of the Magistrates and incidentally of the Police of his division especially in the prosecution department.

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3. I have no doubt the Inspector General of Police and District Magistrates will bear me out when I assure Government that during the years under review as also during the current year the work of the Magistrates has been very closely checked and I venture to add improved by my close personal scrutiny of their calendars.

4. I may say that in this Division alone I have issued something like 100 Proceedings on Magistrate's calendars in the last 5 months.

5. I venture further to take this opportunity to submit that the work of inspection of a court is a purely executive work and that the executive control over Magistrates vests solely in the District Magistrate. Judicial control over them is vested in the Sessions Judge as well as in the District Magistrate and this control is very efficiently secured by the due and proper checking of their calendars. The inspection of their courts by the Sessions Judge may, and to my knowledge has, in at least one instance, led to regrettable friction between the District Magistrate and the Sessions Judge.

6. I am informed that the Sessions Judges in British India are not supposed to inspect Magistrate's courts and to the best of my recollection I as a Magistrate was never inspected by a

Sessions

(30)

Sessions Judge.

7. In this view of the case I hope Government may be pleased to accept my explanation as sufficient to satisfy them that my non-inspection of Magistrate's courts was not due to negligence or apathy but to the deliberate placing of that duty aside as one that was the least important of a Sessions Judge's duties and as one the discharge of which would have meant the leaving undone or the delaying of other more important duties such as the checking of calendars or the Inspection of civil courts or delay and interruption in the disposal of original and appellate civil court work.

8. I further venture to suggest that the order directing Sessions Judges to inspect Magistrate's courts may be converted into an order empowering them to do so should it come to their notice that for any special reason an inspection of some particular court is desirable.

I have, etc.

Sd/ R.R.Plumer

Sessions Judge.

'Copy'

REGISTRAR.

H.C.C.

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4154
141

(31)

PROCEEDINGS OF THE CHIEF COURT OF MYSORE.

Bangalore, Dated 13-16 March 1911.

Read letter No, 1696-340 dated 5th Instant from the Sessions Jusdge of Shimoga, requesting instructions with reference to Government Proceedings No. J 2321-9-Courts 92-10-3 dated 15th February 1911, whether he ~~was~~ is to inspect only the Courts of 1st class Magistrates in his Division over which he exercises appellate Jurisdiction or the Courts of the 2nd and 3rd class Magistrates as well-

This is a matter which the Sessions Judge ought to arrange in consultation with District Magistrates. It is suggested that the Sessions Judge inspect all the Courts at the Head Quarters of Districts and the District Magistrates all outlying Courts.

Signed) V.A. Rajaratna Moodaliar,

Registrar.

'Copy'

Registrar

(32)

Requesting for information regarding the practice prevailing in the matter of inspection of subordinate Magl. Courts by Sessions Judges & the Dist. Magte.

G. R. S. 26]

File No. 201-13

Serial No. 3

3/12

Diary No. of letter replied to

Tidy draft.

Pol. No. 664.

General and Revenue Secretariat

( )

, the 191 .

To

The First Asst to the Resident in Mysore

Date of issue 26.12.14.

Signed by Mr D. Ns. Narasinga Rao

Sir,

I am directed to state that there is a rule extant in Bengal authorising the Sessions Judges to inspect the Courts of Magistrates subordinate to them. ~~If~~ However, it is not readily ascertainable whether such a rule or practice exists in Bombay, the United Provinces of Agra & Oudh, Central Provinces and the Punjab and on what principle the

P.T. over.

SUBJECT.

33

work of inspection is assigned to, and distributed between, the Sessions Judges and the District Magistrates.

2. It cannot also be gathered from published reports whether the inspection reports of the Judges of the High Courts, the Chief Court of Punjab and the Court of the Judicial Commissioners are submitted to and reviewed by Govt.

Madras
Bombay
Bengal (Calcutta)
United Provinces
N.W.F. —
Punjab

3. I am to request you to be so good as to obtain ~~necessary~~ ~~correspondence~~ information on the above points for the Durbar, if there be no objection.

I have &c

List of enclosures,

Dues 23/12

To Govt: Secy to Govt:

Copied by

Examined by

GPB—25,000—4-3-13

34

Letter No. 90-B.I., dated the 15th January 1915, from the Secretary to the Government of Madras, Judicial Department, to the Hon'ble the Resident in Mysore.

In reply to your letter No. 260, dated the 9th instant, I am directed to state that the inspection reports of High Court Judges are not reviewed by the Government. The report forwarded to the Government by the Hon'ble Mr. (Now Sir) -- Justice L.C.Miller, I.C.S., who had been placed on deputation by the Government for the purpose of inspecting subordinate courts, was transferred without scrutiny to the High Court.

DIARY No. A 2329
13/4-1915
SECTION Ct
FILE No. 201-13
SERIAL No. 84.

No. 515.

Mysore Resident's office,
Bangalore, 21st January 1915.

A copy of the foregoing letter is forwarded to the Government of His Highness the Maharaja of Mysore, for information, with reference to para. 2 of Mr. Narasinga Rao's letter No. 604 Pol., dated the 26th December 1914.

for First Assistant Resident.

(35

Letter No.361/VI-46, dated the 23rd January 1915, from the Officer on Special Duty, Civil Secretariat, United Provinces, to the Resident in Mysore, Bangalore.

In reply to your letter No.257, dated the 9th January 1915, I am directed to say that in this province Sessions Judges and District Magistrates are not required to inspect the courts of magistrates subordinate to them, though the General Superintendent, i.e., the head of the District Magistrate's Vernacular office, inspects the work of the readers and ahlmads.

2. I am to add that the inspection reports of the Judges of the High Court of Allahabad are not submitted to or revised by Government.

DIARY No. J.2.432

1914-10 15
SECTION C5
FILE No. 207-13
SERIAL No. 5

Pol No 1487 2

No. 763.

Mysore Resident's Office.
Bangalore, 29th January 1915.

A copy of the foregoing letter is forwarded to the Government of His Highness the Maharaja of Mysore, for information, in continuance of this office endorsement No.515, dated the 21st January 1915,

First Assistant Resident.

(36)

Letter No. 351 J, dated the 30th January 1915, from the Government of Bengal, Judicial Department, to the -- Resident in Mysore.

With reference to your letter No. 261, dated the 9th January 1915, I am directed to say that whenever inspections of subordinate courts are made by the Hon'ble Judges of the High Court, copies of the inspection reports are -- forwarded to this Government for such action as may be considered necessary. The reports are not reviewed by this Government. There have been no inspections since 1911.

DIARY No. J 2521

	19|4|15
SECTION	C5
FILE No.	207-13
SERIAL No.	6

No. 892

Pol No 1529 5-2-15

Mysore Resident's office,
Bangalore, 5th February 1915.

A copy of the foregoing letter is forwarded herewith to the Government of His Highness the Maharaja of Mysore, for information, in continuation of this office endorsement No. 763, dated the 29th January 1915.

First Assistant Resident.

(37

Letter No. 242/V-1-2, dated the 2nd February 1915, from the Chief Secretary to the Chief Commissioner, Central Provinces, to the Hon'ble the Resident in Mysore.

I am directed to refer to your letter No. 258, dated the 9th January 1915, requesting that information may be furnished as to whether Sessions Judges and District Magistrates in the Central Provinces inspect the Courts of Magistrates who are -- subordinate to them.

2. In reply, I am to say that in these Provinces Sessions Judges are not required to inspect any Criminal Courts.

A District Magistrate inspects each Department of his district office at least once a year and his inspection includes the Criminal side of the Court of each Assistant at head-quarters. He also inspects the Courts of all Sub-Divisional Magistrates whose head-quarters are away from district head-quarters and, if possible, those of Honorary Magistrates. The Courts of Sub-ordinate Magistrates, including Honorary Magistrates, are also inspected by Sub-Divisional Magistrates.

3. As regards paragraph 2 of your letter, I am to say that it is not the practice in these Provinces for the inspection reports of the Judges of the Court of the Judicial Commissioner to be submitted to the Administration.

Dol No. 1569 d 10.2.15

No. 1034.

Mysore Resident's office,

Bangalore, 18th February 1915.

A copy of the foregoing letter is forwarded herewith to the Government of His Highness the Maharaja of Mysore, for information, in continuation of this office endorsement No.892, dated

(39)

Letter No. 285-G, dated the 2nd February 1915, from the the Chief Commissioner, North-West Frontier Province, to the Resident in Mysore.

I have the honour to acknowledge the receipt of your letter No. 262, dated the 9th January 1915 and in reply to state that the inspection reports of the Judicial Commissioner are neither submitted to the Chief Commissioner, nor reviewed by him.

DIARY No. J 2615
19/4/15
SECTION C
FILE No. 201-13
SERIAL No. 8

III 13/2/15

Pol No 1590 [illegible]

No. 1102.

Mysore Resident's office,
Bangalore, 13th February 1915.

CVS 15/2

A copy of the foregoing letter is forwarded to the Government of His Highness the Maharaja of Mysore, for information, in continuation of this office endorsement No. 1034, dated the 10th February 1915.

M B Watkins

First Assistant Resident

J 2788
Ch: 201-13-9/40

Letter No.230 Home, dated the 17th February 1915, from the Revenue Secretary to the Government of Punjab, to the Resident in Mysore.

In reply to your letter No.259, dated the 9th January 1915, I am directed to forward a copy of the Chief Court's instructions in regard to the inspection of Magistrates' Courts by Sessions Judges and District Magistrates.

2. In pratice, most of the inspection of Magistrates' Courts is done by the District Magistrates.

3. Inspection reports by the Judges of the Chief Court are not as yet submitted to Government but until this year there has been no regular system of inspection by the Hon'ble Judges.

III 26/2

Pol No. 1685 d 26-2-15

No. 1438

Mysore Resident's Office.
Bangalore. 26th February 1915.

A copy of the foregoing letter, with its enclosures, is forwarded herewith to the Government of His Highness the Maharaja of Mysore, for information, in continuation of this office endorsement No.1102, dated the 13th February 1915.

J 2615
Ch 201-14

M B Watkins

Firat Assistant Resident.

(41

Encl to C

201-13-9

Inspection of Subordinate Courts, Civil and Criminal.

Instructions issued. The following instructions regulating the inspection of subordinate Courts are issued with the approval of the Local Government :-

Controlling power of Divisional and District Judges include the right of calling for and commenting on records of subordinate Courts.

2. Section 33 of the Punjab Courts Act, 1884, vests the power of controlling the Civil Courts of each Division and District in the Divisional and District Judge, respectively; and under section 14(h) of that Act the Chief Court has the power of framing rules for the inspection of subordinate Civil Courts and for the supervision of their working.

Note. - This power of control includes the right of calling for and inspecting the records of all such Courts (including Small Cause Courts), and of commenting on any irregularity of procedure or other impropriety for the guidance of the officers concerned.

Sessions Judges and District Magistrates,

3. Sessions Judges and Magistrates of Districts are at liberty to comment on any criminal proceedings called for under section 435 of the Criminal Procedure Code, even when there are not, in their opinion, sufficient reasons for submitting such proceedings to the Chief Court for revision.

Note. - In calling attention to these powers, the Chief Court desires to impress on Divisional and Sessions Judges, District Judges and District Magistrates the great importance of the duty which thus devolves on them.

Files and register of subordinate Courts should be regularly inspected.

4. A portion of the civil and criminal work of each subordinate District Court should be regularly examined and criticised each month by the District Judge and District Magistrate, respectively, and Divisional Judges should, so far as circumstances permit, keep themselves acquainted with the working of the Courts subordinate to them, and comment on any irregularities which may come to their notice. The registers of subordinate Courts should also be periodically inspected.

Action of Courts ingranting adjournments should be particularly noted.

5 . When examining the files of subordinate Courts, inspecting officers should particularly note the number of adjournments granted in any case and the reasons for them; if it is found that adjournments are granted unnecessarily, the presiding officer of the Court - -- concerned should at once be warned, and, if the practice continues, a report should be made thereof to the Chief Court.

Annual inspection Reports to be submitted.

6. Divisional and District Judges and District Magistrates are required to submit annual reports showing in detail the results of their inspections during the preceding year of the files and registers of the Courts subordinate to them. The reports of District Magistrates and District Judges should be submitted to Divisional Judges, who will forward them to the Chief Court with the records of their own inspections, and such remarks, as appear called for, regarding the manner in which District Magistrates and Judges have performed the work of inspection.

As the inspection of outlying Courts usually takes place in the cold weather, the reports should relate to the year ending 31st March, and they should reach the Chief Court by May 1st. The result of the inspection of each subordinate Court should be embodied by the inspecting officer in a note made at the time of inspection, and for the annual reports little more will be required than copies of such notes.

Principal points to which attention should be directed in inspection.

7. There being considerable uncertainty as to the points which should be noted by officers inspecting subordinate Courts, the annexed list of subjects for inquiry is intended for the assistance of officers making such inspection. It is not meant that inspections should be confined to the matter herein prescribed, nor that each inspection made should embrace all the topics mentioned.

Inspection of Nazirs' Registers.

8. Divisional Judges should inspect their own files and registers and the Nazirs' registers of each district at least once a year.

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(43)

Letter No.1285, dated the 23rd February 1915, from the Government of Bombay, Judicial Department, to the Honourable the Resident in Mysore.

I am directed to acknowledge the receipt of your letter No.256, dated the 9th January 1915, requesting to be furnished with the information for the Mysore Durbar, whether Sessions Judges and District Magistrates in Bombay inspect the Courts of Magistrates subordinate to them, and, if so, on what principle, and whether the inspection reports of the Judges of the High Court of Bombay are submitted to and reviewed by Government.

2. In reply, I am to say that Sessions Judges never inspect Subordinate Magistrates' Courts. The District Magistrates attempt to inspect the Courts of all the Magistrates subordinate to them every year, and the inspection aims at being very thorough. In Sind, the inspection report is submitted in a form, a copy of which is enclosed, which is filled up and submitted to the Judicial Commissioner of Sind. The subdivisional Magistrates also inspect the Courts of the Magistrates subordinate to them and report to the Districts Magistrates concerned.

3. No inspection reports of the Judges of the High Court are regularly submitted to Government, but notes of inspection are sometimes communicated by the High Court to Government. The Judges of the High Court do not inspect Magisterial Courts, but only civil Courts, and these also not every year. The notes of inspection communicated to Government are of a general nature, and not referring specially to individual Judges. No reports are submitted by the Court of the Judicial Commissioner of Sind.

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44 J 2851

PRE No. 1717 of 4-3-15

No. 1550

Mysore Resident's Office,

Bangalore 4th March 1915

CS 201-13-10

A copy of the foregoing letter, with its enclosures, is forwarded herewith to the Government of His Highness the Maharaja of Mysore, for information, in continuation of this office endorsement No. 1438, dated the 26th February 1915.

First Assistant Resident.

(45

Encls-C8-
291-13-10

F O R

FORM OF INSPECTION REPORT.

Inspection Report of the Court of the Magistrate of

in the District of from to 19

Subject.	Information for Inspecting Officer.	Remarks of Inspecting Officer.
1. Buildings and Dead Stock.	(Enter any alterations or additions required and list of unserviceable articles.)	(Whether situation suitable; whether accommodation for Magistrates, Pleaders, Establishment, Witnesses, Accused, Library and Records sufficient; whether proper receptacle for property produced in trials; whether dead stock otherwise in order and sufficient;)
2. Magistrate.	(Enter name, class, qualifications, length of service and date of appointment to the Court).	(Whether sittings regular and judgments promptly written; whether ready to take responsibility or inclined to shirk it by useless preliminary enquiries and unnecessary committals to sessions; whether effective control kept over Police and over Establishment.)
3. Pleaders.	(Enter names and classes of the principal pleaders with lengths of practice in the Court.)	(Whether Members of District Bar Association and Library; whether they employ respectable clerks, are free of touts and in harmony with the Magistrates.)
4. Licensed Writers and Copyists.	(Enter names and dates of licenses.)	(Whether respectable or mere touts.)
5. Establishment including peons.	(Enter names, ages, castes, native places, qualifications, duties, pay and dates of appointment or transfer to the Court.)	(Whether service books up to date, extentions required or to be given; whether transfers required; whether duly qualified and work and writing of each neat and up to date and number sufficient.)

Subject.	Information for Inspecting Officer.	Remarks of Inspecting Officer.
6. Registers and returns of trials and appeals.	(Enter list of registers kept and returns submitted with names of munshis responsible.)	(Whether all necessary registers kept, neatly in prescribed forms and all columns properly filled in and up to date; whether returns last received correctly showed reasons for delay and included all matters in arrears.)
7. State of the file and management of trials and appeals.	(Enter number of cases and appeals filed and disposed of in the previous year and arrears up to date in current year, showing those pending over six months.)	(Whether prisoners in the lock up detained under legal warrants; whether prisoners in custody have their cases set down for early trial and postponements have not been unnecessarily granted; whether cases properly heard de die in diem or adjournments granted without sufficient reason at mere request of pleaders ; whether judgments concise and to the point or vain repetitions of evidence; whether sentences either too severe or too light. Select a percentage of decided and pending cases and go through them with the Magistrate.)
8. Correspondence, indents, stamps; stationery, copying, contingency and miscellaneous files and registers.	(Enter list of files and registers kept and names of munshis responsible.)	(Whether proper files and registers kept; whether inward and outward registers up to date; whether correspondence in arrears; whether proper control kept over stationery and contingencies and indents properly scrutinized.)
9. Library and Records.	(Enter list of requirements and date of last destruction of useless records.)	(Whether all necessary books have been supplied and bound and kept up to date by pasting in amendment slips; whether maps of the jurisdiction have been supplied; whether records neatly arranged and useless records duly destroyed.)

Subject.	Information for Inspecting Officer.	Remarks of Inspecting Officer.
10. General.	(Enter any other matters requiring notice.)	(Whether any other matters require notice.)

Forwarded for information and guidance to the Magistrate of

Date

Through Inspecting Officer.

Note. - The remarks in the third column are merely indications of the matters ordinarily requiring attention and should be modified and amplified as may be required by the circumstances of the particular case and as may be suggested by the experience of the Inspecting Officer.

The second, sixth, seventh and eigth subjects with necessary alterations are alone required for inspection reports of Sessions Courts.

Regarding inspection of Magisterial Courts by Sessions Judges (48

G.R.S. 28]

Jdy dept as amended by the First Member

1917

Diary No. of letter replied to_____

C5 File No. 201-13

Serial No. 11

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

the 191 .

READ—

Last paragraph of Govt Procgs No J2321-9/C5 92-10-3 dated the 15th Feb 1911 stating that Govt consider it desirable that all the Courts of Subordinate Magistrals should be ~~ORDER THEREON. No.~~ inspected by the Dist. Magistrals or the Sessions Judges at least once a year

2) Correspondence ending with letter no. 415-3/324 dated the 21st April 1914 from the Registrar, Chief

P.T.O.

Date of issue 20/7/1915.

Signed by Mr D. Sm. Ranasinga Rao.

Paper under disposal

SUBJECT.

GPB—50,000—1-12-12

49.

Court, proceeding copies of explanations offered by messrs T. Paramasiva Iyer & R. B. Plumer, Sessions Judges, for having done no inspection work in their respective divisions for two years and stating that, in the opinion of the Judges of the Chief Court, there is no conflict between the orders of Govt regarding inspection of Magisterial Courts by Sessions Judges and Sec 435 of the Code of Cr. Procedure which relate to judicial subdivisions and arrangements for the trial of cases but that the ordinary inspection of the Courts of Magistrates may be left to the District Magistrate and that the explanations offered by the Sessions Judges do not account for the disregard of specific orders of Govt on the subject

Order thereon no. J 215.

Recorded.

2. The explanation of the Sessions Judge, Bangalore Division,

(50

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

(Mr T. Paramasiva Iyer) for not carrying out the express orders of Govt in the matter is unsatisfactory and Govt Consider his conduct of behaviour ~~cannot appreciate the propriety of~~ in entering into a discussion of the grounds of the order When he was called upon to submit an explanation for his omission.

Es 11/5

M Offg: Sec to Govt

To The Registrar, Chief Court

(The Dist. Magts of Dists.)

Draft
R17

The order as now amended need not perhaps be addressed to the Dist. Magts

NRC
11-5-15